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The touchy subject of touching pupils and youth — we listen in on a debate among educators

"Don't do anything with a student that you wouldn't want your significant other to know about or see."

Mark Stanley works hard to build personal relationships with his students at Joel P. Jensen Middle School in West Jordan, to figure out what makes each one tick. He learns their likes, dislikes, what motivates them. To be a good teacher, Stanley says he has to show he cares.

But give a student a hug or a ride home? No way. Fear of being falsely accused of inappropriate behavior toward students has made Stanley cautious. And for good reason. While state policy forbids any sexual contact or harassment between teachers and students, it offers no help to teachers on acceptable interaction with students, from writing notes to giving gifts.

At the local level, some districts have adopted rules governing socializing with students outside of school and at least one district has addressed what constitutes an appropriate hug. But many other of Utah's 40 districts have no clear guidelines. "They are such subjective things," says Carol Lear, attorney for the state Office of Education. "There may be an occasion to write a student a note that's appropriate. There may be an occasion to give a student a hug that is appropriate." The fact is, she says, most teachers know right from wrong without needing it spelled out.

Legally and ethically, it is clear what is not allowed between teachers and students: Anything sexual. But more murky is what is acceptable in that easy-to-misconstrue gray area between the caring teacher who offers a pat on the shoulder and the teacher whose calculated motives and designs are those of a sexual predator. It is that ill-defined terrain that has made teachers cautious and in some cases confused.

Stanley, the middle school teacher, says that if a female student needs help after school and no one is around, he makes her wait until the next morning, when there are witnesses. Or he tells another teacher what's going on. "It's a fear of all male teachers, especially. It's a big fear," says Stanley, a science teacher and girls' basketball coach. "All a kid has to do is say you did something inappropriate and it's her word against yours and you're dead."

Among the confusing elements of the student-teacher equation is that not all students or teachers are alike. What makes one student uncomfortable seems normal to another. A coach may have a different relationship with students than a math teacher does with hers. An elementary teacher can offer more hugs than a teacher in junior high. And finally, some teachers are warmer by nature than others. "A teacher should be a nurturer. The best ones are. Teachers should care about their students and express that caring," says Mel Miles, human resource director for the Davis School District. "They must do it without threatening students or [allowing the relationship] to evolve. That line is a thin one and a tricky one."

### The Appearance

Take, for example, this situation between a student and a substitute teacher in one of Utah's largest school districts. The teacher, with the permission of the student's mother, took the girl snowboarding and to the movies, gave her rides home and a Christmas gift of a heart-shaped ring. The teacher and the student exchanged several letters. In one letter, the teacher wrote: "Hey sunshine. I was happy you called this morning, that must mean its gonna be a good day since I got to hear from my favorite girl so early!!"

In the letters, the teacher discussed day-to-day events, a movie she had watched, her weekend plans. She also mentioned buying a car with coffee-cup holders just for the girl. She expressed gratitude the girl was a part of her life. The girl's mother thought it strange the teacher wanted to spend so much time with a teen-

ager, but figured the teacher was merely trying to be a role model or big-sister figure. The girl's father, who found the letters, was outraged and described the relationship as grossly inappropriate. He took his concerns to the district and transferred his daughter to another district — one, he said, with stricter guidelines.

District officials talked to the teacher and concluded she had used poor judgment but was, as the teacher claimed, merely acting as a friend. They found no evidence of criminal wrongdoing and later hired the woman as a teacher's aide. An administrator in the same district says relationships between teachers and students should end at the schoolhouse doors, and he wouldn't want his own children in the same situation. But the district has no rules preventing a teacher from sending notes, hanging out with students after school hours or giving gifts.

### **Legal Awareness**

Teachers have become more sensitive about their relationships with students in the wake of two U.S. Supreme Court rulings. In 1998, it ruled districts can be held liable for teachers who harass students; in 1999, the court found districts liable when students harass each other. In addition, well-publicized cases in which teachers clearly crossed the line and abused the teacher-student relationship have made many teachers hypersensitive to just what is appropriate.

The Utah Professional Practices Advisory Commission has suspended or revoked 139 educator licenses since 1992. Seventy-four of the cases involved some kind of sexual misconduct. Those cases ranged from sexual harassment or contact to having too-familiar relationships with students, such as talking about sex, writing letters with sexual connotations, making sexually charged remarks in class or inappropriately hugging and touching students. Lear, who also is a member of the commission, says teachers accused of such misconduct typically use the same defense: "I'm just a caring, loving teacher and you're keeping me from being that way. I'm trying to show approval, trying to show I care."

District officials along the Wasatch Front say they each get two to four complaints a year from parents or students about teachers behaving improperly by writing letters, making phone calls or otherwise getting too close to students. More often, they say, teachers are disciplined for having poor interpersonal skills or for not teaching the curriculum properly. While the number of misconduct cases appears small compared to the number of licensed educators in Utah — 24,500 — they have a high-profile, ripple effect. "Society has moved to a position where teachers shouldn't be providing emotional support to students if they want to be on the safe side," says Michael McCoy, attorney for the Utah Education Association, the state's largest teacher union.

Says Nikki Peterson, a 16-year-teaching veteran: "I don't think there's a teacher out there that isn't aware of what can happen. That's to the detriment of our students. We all begin to stand back."

### **Setting Boundaries**

Over the years, Peterson has seen fellow teachers falsely accused of inappropriate behavior. As a middle school teacher, and later working for the Jordan District's youth-in-custody program, she had one recurring thought: "Should I put my arm around this kid? Should I or shouldn't I?"

Peterson, who now works for the Jordan Education Association, says teachers are warned repeatedly about the district's rules on teacher conduct: Don't travel alone with students; avoid associating with them outside the school day; if you're alone with a student in the classroom, keep the door open. The Davis District has similar rules but also bans behaviors that might be construed as sexual harassment, including frontal hugs. In Jordan District, teachers must obtain written approval for such things as taking a debate team to dinner.

Gatherings at a teacher's home are discouraged, and if a student shows up unexpectedly at a teacher's house, a supervisor must be called immediately. Though the rules don't specify it, teachers shouldn't take students out to lunch or hold pizza parties at their homes, says Brenda Hales, Jordan assistant superintendent. "When you've been burned like we were, you learn from that. We live in a time [when] that kind of reaching out to kids isn't appropriate anymore." The district was "burned" when a coach invited students to his house for sleepovers and assaulted one of them, Hales said.

Another teacher was accused of acting inappropriately with a student, though the child later recanted. "The accusation would never have been made if the teacher hadn't been alone with a student, taking him for ice

cream," Hales says. She says teachers understand what is allowed and what is inappropriate, even if every bad scenario isn't spelled out.

### **Likable vs. Professional**

Like some district policies, state rules governing teacher behavior ban the obvious: harassment and sexual contact with students. Teachers also are admonished to "avoid not only impropriety but also the appearance of impropriety in actions towards students and colleagues." But what is improper to some teachers isn't to others -- or to their students.

"It's kind of an intuitive thing," says Lear. "It's really hard to understand the difference in the boundaries you are supposed to draw. Sometimes it's just a matter of nuance or context or tone of voice. "It's harder than it sounds to be likable and friendly and always maintain the professionalism you should," she says. Lear said she believes teachers need more training about ethics. It seems unfair to hold them responsible for behavior that can be largely a matter of interpretation.

She suggests one rule of thumb for teachers: Don't do anything with a student that you wouldn't want your significant other to know about or see.

State and district policies are meant to protect both students and teachers. Not every teacher who hugs a student, gives one a ride home or spends time alone with one has bad intentions. But nearly every time a student has been abused, the situation starts out seemingly innocent or friendly, says Lear. The bad teachers go from flirting and harassment to touching. What about the teacher who offers a listening ear any time, day or night, to a troubled student who has few friends? The rules can be contradictory.

Davis District's Miles say teachers should develop relationships with students that allow them to share problems. But, "We don't want the teacher to take the place of the parent. Teachers first and foremost help students grow academically. Their key assignment is not to be a therapist, social worker, psychologist."

School attorneys tell teachers to avoid becoming emotionally attached to students and to keep at least a foot of space between them and their young charges. It may be good legal advice, but is it good teaching advice? Not all agree it is. "The teachers that I've worked with that claim they don't touch their students ever, quite often I would question whether I would want my kids in their classroom," says the UEA's McCoy. Indeed, some teachers choose to disregard the legal advice and reach out to students. Peterson, for one, says she finally had to swallow her worries. "It was so obvious to me they just wanted, once in a while, for someone to put their arm around them and say, 'You're doing well. You're a good kid. You're a good student,' " she says. "To have to wonder and worry about what can happen as a result is too bad, especially when your only thought is for the feelings of the student."